

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Testimony

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Subcommittee on Forests and Forest Health,

Oversight Hearing on "Public and Private Resource Management

And Protection Issues in the National Forest Systems"

Tuesday, May 18, 1999

Committee Room 1334, Longworth HOB

Madame Chairman and Respected Members of the subcommittee, I thank you for the opportunity to speak before you today. My name is Andy Hairston, I am the Corporate Treasurer and General Manager of Highland Enterprises, Inc., a road construction and rock crushing company, based in Grangeville, Idaho, which has been in business since 1976. Over the last decade, Highland has specialized in timber sale access road construction on National Forest lands and private timber lands. We have strived to build ecologically sound roads to prevent erosion and provide safe access for the harvesting of timber. These roads also provide access for fire fighting, recreation, hunting, fishing, and many other activities enjoyed by people visiting the National Forests.

During the summer of 1992, while working on a timber sale road construction project in the Cove Mallard area of the Nez Perce National Forest, we came into contact with members of the radical environmental group, Earth First!, who were there to protest the timber sale. The Cove Mallard roadless area has been opened up for logging by the Forest Service to help improve forest health by removing dead and dying timber. The protesters have since used this area as a focal point for their cause. At this time the Earth First! protesters were not very organized and did not pose a significant safety threat to the employees or equipment of Highland Enterprises. The next year, the Earth First! protestors were much more organized and presented a very real safety threat. The activists progressed from being just protestors to being environmental terrorists. They severely vandalized road building equipment, locked themselves to gates and trees, pulled out and destroyed construction stakes, plugged culverts, set up tripods on roadways, placed spikes in trees and threw spikes, slash, logs and rocks into the roadway to prevent vehicles from using it. These events occurred on a daily basis and severely reduced Highland's road building productivity. As a result, we were forced to hire security personnel to watch the equipment when not in use. This additional cost along with the cost from lost production and vandalized equipment, became a large financial burden.

During these protests many arrests were made by both the Idaho County Sheriff's department and Forest Service law enforcement officers. The Sheriff's department and Idaho County's Prosecuting Attorney aggressively prosecuted these environmental terrorists, resulting in jail time for some and a small amount restitution for Highland. The federal law enforcement's prosecution was far less aggressive, usually resulting in a misdemeanor with no jail time for the activists, and no restitution for Highland.

When the next timber sale road construction in the Cove Mallard area began in 1995 the Earth First! terrorists were very organized and prepared for battle. In addition to the types of vandalism used the years before, the environmental terrorists had developed more sophisticated ways to stop the road construction. For example, they buried concrete blocks in the roadway and chained themselves to the blocks below ground level forcing the law officers to hand dig out the environmental terrorist. They also began to adopt other names for their cause, the Ancient Forest Bus Brigade, the Ecology Center, the Native Forest Network, Friends of the Cove Mallard, and many other aliases. This was done in an attempt to elude prosecution and project to the media that many organizations were protesting the timber sale and road building, when in fact, only one organization was involved, Earth First!. Again, the efforts of the environmental terrorists to stop the road construction resulted in the loss of a considerable amount of money due to lost production and the cost of hiring extra manpower to provide security for the employees and equipment.

In 1995 the type of law enforcement participation changed. Federal law enforcement became more involved while the Sheriff's department became less involved. This resulted in longer delays, many times up to six hours, waiting for the federal officers to remove the environmental terrorists because of bureaucratic chains of command, which began with the law enforcement officers at the site, then to the district ranger in Elk City, Idaho, then to the supervisor office in Grangeville, Idaho, then to the region one office in Missoula, Montana, and finally to the chief of the Forest Service law enforcement in Washington, D.C.. According to the Forest Service's own accounting, the agency spent over two hundred fifty thousand dollars trying to monitor and apprehend the radical environmentalists. It was at this time that Highland's owners decided to sue the Earth First! environmental terrorists in district Court in Idaho County, Idaho. Individual activists as well as the Earth First! organization and other affiliated sub components were named as defendants. Highland won the case and was awarded a judgement of over one million dollars, of which Highland has collected less than two hundred dollars. To date, Highland's legal bills are over two hundred thousand dollars.

The confrontations with the Earth First! Activists have continued on all road construction projects in the Cove Mallard area, and in 1998 the protesters moved their destructive activities to a timber sale road construction project well separated from the Cove Mallard area. The Otter-Wing Timber Sale is over 45 miles from the Cove Mallard protest area. The activists, in order to stop the road construction tried many tactics, such as burying themselves in the roadway, tree sitting, vandalism to equipment and materials. The Forest Service dispatched law enforcement officers in large numbers but with little effectiveness. The law enforcement officers provided one on one protection for the timber workers, but were reluctant to make arrests of the activists who violated the area closures. The area closure was a corridor that extended 300 feet from the center line of the road in each direction. The area closure enacted by the forest supervisor was designed to protect the safety of the men working on the project and the public. Highland hired a professional security company to guard our equipment and materials at the job site. Highland requested to be reimbursed for the added security, through a claim on the contract, but the Forest Service denied the claim. Through a Freedom of Information Act I request records from the Forest Service Law Enforcement for evidence of their denying Highland's security and requesting that the company provide their own security. This Freedom Of Information Act request has been denied. Both the claim for reimbursement for the security costs and the Freedom Of Information Act requests are now being appealed through the appropriate channels. But these requests are being bogged down in bureaucratic paper work and red tape.

I feel that a large portion of the problems we have encountered could have been solved if local law enforcement would have been in the lead position and taken control of the situations by enforcing the state laws that are in place and set to deal with these radical environmental terrorists. The federal law

enforcement efforts of the Forest Service were riddled with bureaucracy which delayed action and cost valuable production time. It is my opinion that local law enforcement provides a much faster response to the environmental terrorist and when prosecuted in local courts, it keeps them incarcerated so that they do not return to the protest site within hours.

In speaking with Idaho County's Sheriff, Gene Meinen, he agreed that local law enforcement should be in the lead position for these confrontations with the environmental terrorists. A concern that Sheriff Meinen has is whether or not the necessary funding will be available for the local law enforcement to assume the lead position in these matters.

I believe that the United States Forest Service has done a very poor job in providing protection for our employees and equipment while we are working on these federal timber sale road projects. Daily, the workers encountered the environmental terrorist, who threw sticks and rocks at our workers, yelled and screamed at the workers and tied themselves to equipment and trees. These actions put the lives of Highland employees and the lives of the environmental terrorist in danger. Building logging roads is very dangerous to begin with, and when you introduce a group of people whose sole purpose is to intimidate, disrupt and distract the workers, it is inevitable that someone is going to become injured, or even worse, be killed.

I hope that by becoming aware of the situation that is occurring in the forests of North Central Idaho that you can help us fix the problems before someone is seriously injured or killed.

While I agree that protecting the environment is extremely important, there must be a way for it to happen without costing lives or our livelihoods.

Thank you for the opportunity to speak before you today.

Sincerely,
M. Andy Hairston
General Manager of
Highland Enterprises, Inc.

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